

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kyrkland Mansell,)	
)	
Plaintiff,)	
)	Civil Action No. 6:23-cv-1205-BHH
v.)	
)	
J. H. Thompson,)	<u>ORDER</u>
)	
Defendant.)	
)	

This matter is before the Court upon Plaintiff Kyrkland Mansell's ("Plaintiff") complaint filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge for preliminary determinations in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d), D.S.C.

On May 18, 2023, the Magistrate Judge notified Plaintiff of pleading deficiencies and have him the opportunity to amend his complaint and provide the necessary information and paperwork to bring the case into proper form. Plaintiff failed to bring his case into proper form within the time permitted.

Accordingly, on July 5, 2023, the Magistrate Judge issued a report and recommendation ("Report"), outlining the issues and recommending that the Court dismiss this action (1) for failure to allege facts to establish supervisory liability against Defendant; (2) because the claims are barred by the statute of limitations; and (3) because Plaintiff failed to bring the case into proper form. Attached to the Magistrate Judge's Report was a notice advising the parties of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The

recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. Accordingly, the Court adopts the Magistrate Judge’s Report in full (ECF No. 10), and the Court dismisses this action with prejudice, without leave to amend, and without issuance of service of process.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

July 26, 2023
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is notified of the right to appeal this order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.